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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,816	03/30/2001	Sean B. Weatherill	004613.P001	6605

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,816

Applicant(s)

WEATHERILL, SEAN B

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the amendment filed May 22, 2003.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dammond, U. S. Patent 3,665,628. Dammond teaches a picture holder comprising a front picture retaining member 14, a rear picture retaining member 16, an upper U-shaped clamping member 10, and a lower U-shaped clamping member 12. The upper and lower members are adapted to clamp the upper and lower edges of the picture retaining members. The picture holder taught by Dammond may rest on the bottom of lower channel member 12. (Col. 2, lines 39-40).
3. With respect to claim 2, Dammond teaches that both the front and rear member can be made of transparent rigid material.
4. With respect to claim 4-5, both the front and rear member have grooves 18, 20, 42 and 44 adapted to receive projections 22, 24, 38, and 40 of the clamping members.
5. With respect to claim 7, the bottom of the lower channel member 12 corresponds to the base extension and the sides of the channel member correspond to the vertical extension as claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 12, 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dammond in view of Miller, U. S. Patent 4,010,517. Miller teaches a display device comprising a double clip 21 for holding a pair of display panel. (See figure 4). It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture holder taught by Dammond with a double clip as taught by Miller to provide a means to hold a plurality of adjacent picture holders.

2. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dammond in view of Atkinson, U. S. Patent 1,313,778. Atkinson teaches a knockdown picture frame comprising a first clip member **a** and a second clip member **b** hingedly holding a pair of adjacent panels at connection **c** (hub). The first clip member has a pair of flanges **a'** (first main body) and **a²** (first pressure tab) and the second clip member has a pair of flanges **b'** (second main body) and **b²** (second pressure tab), wherein the member are hingedly connected along the bight or web portion **a** and **b**. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the picture holders taught by Dammond with a double

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hinged clip as taught by Atkinson to provide a means to hold a plurality of adjacent panels.

Response to Arguments

1. Applicant's arguments filed May 22, 2003 have been fully considered but they are not persuasive.
2. The applicant argues that Dammond does not anticipate claims 1-7. The applicant submits that claim 1 recites a U-shaped clip for securing the overlay sections together, whereas Dammond discloses a picture holder having a C-shaped clamping member 64.
3. The examiner contends that Dammond teaches both C-shaped and U-shaped clamping members. Picture frame A of figure 3 clearly shows a C-shaped clamping member 64 whereas Picture frame B-C of figure 3 and the picture frame of figure 1 shows U-shaped clamping members 12, 71, 90, and 92.
4. In addition, the applicant also argues that Dammond does not disclose "at least one securing platform to support said overlay section set" as claimed in applicant's claim 1. The applicant further suggest that column 2, lines 66-68 states that the picture A could not stand on the bottom of a clamping member 64 and a suitable support would normally be provided. Since the clamping member 64 clearly teaches a C-shaped clamping member with curved section, the examiner agrees that member 64 would not be able to provide a support surface for the picture frame. However, the U-shaped clamping members 12, 71, 90, and 92, each having a flat bight portion capable of

providing a support surface where the picture frame may rest on the bottom of the lower channel/clamping member 12.

5. Finally, the applicant argues that Dammond does not disclose a u-shaped clip for securing said overlay sections together at a point near an edge of the overlay section set. Although the clamp taught by Dammond extends across the entire width of the top and bottom edge to secure the front and back members together, the examiner contends that the clamp also secures "a point" near a side edge of the members". The applicant does not recite claim limitation stating that the clamp only secures "one point" of the front and back members.

6. The rejection of claim 1-7 as anticipated by Dammond is maintained.

With respect to claims 8-10, 12, and 14-21, the applicant argues that Dammond, Atkinson nor Miller discloses at least one double-u-shaped clip for securing the overlay section sets together at a point near an edge of the overlay section set. Dammond clearly teaches a U-shaped clamping member. Both Miller and Atkinson clearly teach a double U-shaped clamp as seen in figures 3 and 4. The double U-shaped clamp is for securing adjacent picture frame together. As stated above the clamping member taught by Dammond teaches having the clamping member extending the entire width of the picture frame including a point near the edge.

The rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

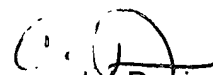
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
June 4, 2003